

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:13-CR-41-D

UNITED STATES OF AMERICA

v.

JEROME ROBINSON,

Defendant.

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ORDER

On May 21, 2013, pursuant to a written plea agreement, Jerome Robinson ("Robinson") pleaded guilty to conspiracy to possess with intent to distribute and distribute 28 grams or more of cocaine base (crack) (count one), and possession of a firearm by a felon (count two). See [D.E. 12, 14]. On January 17, 2014, the court held Robinson's sentencing hearing. See [D.E. 27, 28, 38]. At the hearing, the court adopted the facts set forth in the Presentence Investigation Report ("PSR"). See Fed. R. Crim. P. 32(i)(3)(A)-(B). The court calculated Robinson's total offense level to be 29, his criminal history category to be IV, and his advisory guideline range on count one to be 121 to 151 months' imprisonment. See Resentencing Report. After thoroughly considering all relevant factors under 18 U.S.C. § 3553(a), the court sentenced Robinson to 126 months' imprisonment on count one and 120 months on count two to be served concurrently. See id.; [D.E. 28, 38]. Robinson did not appeal.

On October 29, 2014, Robinson filed a pro se motion for a sentence reduction [D.E. 31]. On July 8, 2015, Robinson moved through counsel for a sentence reduction under 18 U.S.C. § 3582(c)(2), U.S.S.G. § 1B1.10, and Amendment 782. See [D.E. 33]. Robinson's new advisory guideline range on count one is 100 to 125 months' imprisonment, based on a total offense level of

27 and a criminal history category of IV. See Resentencing Report. Robinson requests a 104-month sentence on count one. See id. On December 2, 2015, the government responded [D.E. 39].

The court has discretion to reduce Robinson's sentence under Amendment 782. See, e.g., Dillon v. United States, 560 U.S. 817, 827 (2010); United States v. Peters, 843 F.3d 572, 574 (4th Cir. 2016); United States v. Patterson, 671 F. App'x 105, 105–06 (4th Cir. 2016) (per curiam) (unpublished); United States v. Cole, 618 F. App'x 178, 178–79 (4th Cir. 2015) (per curiam) (unpublished); United States v. Thomas, 546 F. App'x 225, 225–26 (4th Cir. 2013) (per curiam) (unpublished); United States v. Perez, 536 F. App'x 321, 321 (4th Cir. 2013) (per curiam) (unpublished); United States v. Smalls, 720 F.3d 193, 195–97 (4th Cir. 2013); United States v. Mann, 709 F.3d 301, 306–07 (4th Cir. 2013); United States v. Stewart, 595 F.3d 197, 200 (4th Cir. 2010). In deciding whether to reduce Robinson's sentence, the court finds that Robinson engaged in serious criminal behavior. See PSR [D.E. 25] ¶¶ 5–9. Moreover, Robinson is a serious recidivist and has convictions for possession of cocaine, possession with intent to sell and deliver marijuana, possession of marijuana (five counts), possession of a firearm by a felon, possession with intent to manufacture, sell, and deliver heroin, maintaining a vehicle, dwelling, or place for a controlled substance, and assault on a government official. See id. ¶¶ 13–23. Nonetheless, Robinson has taken some positive steps while incarcerated on his federal sentence. See Resentencing Report; cf. Pepper v. United States, 562 U.S. 476, 491 (2011).

Having reviewed the entire record and all relevant policy statements, the court finds that Robinson received the sentence that was “sufficient, but not greater than necessary” under 18 U.S.C. § 3553(a). Further reducing Robinson's sentence would threaten public safety in light of his serious criminal conduct and serious criminal history. Cf. U.S.S.G. § 1B1.10, cmt. n.1(B)(ii). Thus, the court denies Robinson's motion for reduction of sentence under Amendment 782. See, e.g.,

Patterson, 671 F. App'x at 105–06; Cole, 618 F. App'x at 178–79; Thomas, 546 F. App'x at 225–26;
Perez, 536 F. App'x at 321.

In sum, the court DENIES Robinson's motions for reduction of sentence [D.E. 31, 33].

SO ORDERED. This 19 day of May 2018.



JAMES C. DEVER III
Chief United States District Judge